

QUIN DENVIR, Bar No. 49374  
Federal Defender  
ALLISON CLAIRE, Bar No. 170138  
Assistant Federal Defender  
801 I Street, Third Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Attorneys for Defendant  
GREGORY K. TOLBERT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY K. TOLBERT,	)	NO. CIV S-99-2149 LKK GGH P
	)	
Petitioner,	)	
	)	<b>CERTIFICATE OF APPEALABILITY</b>
v.	)	
	)	
CHERYL PLILER,	)	
	)	
Respondent.	)	
	)	
_____	)	

Under authority of Title 28 United States Code section 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court hereby certifies that there is cause for an appeal in the above-entitled case. Accordingly, a certificate of appealability is hereby granted as to the following issues:

1. Whether habeas relief should be granted on grounds that trial counsel provided ineffective assistance, in violation of the Sixth Amendment, by failing to obtain severance of counts and by improperly impairing petitioner's right to a speedy trial?

2. Whether habeas relief should be granted on grounds that petitioner's federal constitutional right to a speedy trial was violated?

1           3. Whether habeas relief should be granted on grounds that  
2 petitioner's due process rights violated by the following evidentiary  
3 errors, individually and/or cumulatively: (a) admission of evidence  
4 that petitioner disposed of jewelry unconnected to the crime, (b)  
5 improper reference by a witness to petitioner's criminal history, (c)  
6 admission of fingerprint evidence, and (d) improper identification  
7 testimony based on observation of petitioner's tattoos.

8           IT IS SO ORDERED.

9 Dated: June 3, 2005

10                               /s/Lawrence K. Karlton  
11                               HON. LAWRENCE K. KARLTON  
12                               United States District Court Judge  
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